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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,731	12/11/2003	Eric J. Argentar	3aa01us	8554
25804 7590 05/28/2008 LAWRENCE EDELMAN, ESQ 3 BUFFALO RUN EAST BRUNSWICK, NJ 08816				
EXAMINER				
WILLIAMS, ROSS A				
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3714				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/733,731

**Applicant(s)**

ARGENTAR, ERIC J.

**Examiner**

ROSS A. WILLIAMS

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1, 2, 8 - 12, 14, 18, 19 - 27, 33, 40 and 43 have been amended.

Claims 1 – 45 are currently pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1 – 3, 18 – 20, 33, 34, 35, 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozaki et al (US 6,672,962).**

**Claims 1, 18, 19, 20, 33, 35, and 45:** Ozaki discloses a Gun shaped controller that has a housing that is shaped like a gun to be handled by the user. The gun

controller contains a coordinate control unit and a game play unit within said housing for generating information related to the vertical and horizontal tilt of the gun controller (Ozaki 4:8 – 20, 15:27 – 34). The controller is adapted to process the input information from the coordinate control system to provide the computer system with point of view information, and adapted to process said input information from the game control unit to provide game play information signals that represent changed in the position, in longitude and latitude, of the user in the video game environment (Ozaki 7:42- 49, 7:61 - 8:5). Ozaki further discloses the use of multiple buttons on the gun controller that perform multiple types of game functions in the game (Ozaki 4:30 – 47).

**Claim 2:** Ozaki discloses a gun controller that contains a central body, a handgrip extending from the rear of the gun, a longitudinally extended barrel (Ozaki Fig 1b).

**Claim 3:** Ozaki discloses a y and x –sensor that inputs information regarding the tilt of the barrel in a vertical and horizontal direction (Ozaki 4:8 – 20, 15:27 – 34).

**Claim 34:** As can be seen the gun controller is substantially u-shaped having a first end, a second open end and a connecting end connecting the first open end and the second open end (Ozaki Fig 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 4 – 7, 17, 21 – 23, 32, 36 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al (US 6,672,962) in view of Woolston (US 6,902,482).**

**Claims 4 – 7, 17, 21 – 23, 32, 36 – 39:** VRGunspec.htm discloses the game controller as discussed above, however VRGunspec.htm does not specifically disclose the use of a gyroscope to determine the horizontal and vertical positions of the gun controller or the detection of the horizontal and vertical tilting of the gun barrel by means of attaching encoder disks to horizontal and vertical shafts that are attached to the barrel in order to detect the rotation of the shafts by means of optical sensors to determine the users point of view of the user in the video game. However, Woolston discloses a game controller that is in the shape of a sword wherein the player uses the sword to interact with the game. The sword contains a gyroscopic device that is used to impart torque forces to the user, thus providing tactile feedback (Woolston 6:3 – 7). Woolston further discloses that the gyroscopic device include disks that are attached to vertical and horizontal shafts that are rotated. The disks are sensed or “read” by an

optical sensor to determine the position (i.e. yaw and pitch) of the flywheels to determine the position of the device that the user is interacting with (Woolston 8:8 – 22). The sense position is used to determine the longitudinal and lateral movement of a character displayed on a display screen.

It would be obvious to one of ordinary skill in the art to use a gyroscopic sensor setup like that of Woolston to provide not only tactile feedback to the user of the device but also the provide for the detection of the user's point of view or position of the device by means of rotary disks that are attached to shafts that rotate by attaching the gyroscopic device to the gun controller such as by means of the barrel. This would enable the system of VRGunspec.htm to accurately determine the positioning of the barrel.

**Claims 8, 9, 24, 25, 40 – 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al (US 6,672,962) in view of Rothchild (US 2002/0171625).**

**Claims 8, 9, 24, 25, 40 – 42:** Ozaki as discussed above discloses a gun controller that provides computer input to a gaming device, wherein the gun controller possesses multiple different types of buttons on the gun body such as the central body or front magazine clip, that are used to enter input commands to computing device. However Ozaki does not specifically discloses the use of a mouse wheel. Rothchild discloses the use of a pistol grip input controller device that is used to perform the functions of an input device such as a computer mouse. As can be see the pistol-grip

device has multiple trigger buttons and a mouse wheel/trackball (Rothchild Figs 1 – 5, par 0067, 0075). Rothchild specifically discloses that the trigger buttons are used to function as left and right mouse buttons (Rothchild par 0060 – 0063).

It would be obvious to one of ordinary skill in the art to modify the gun controller of Ozaki to provide many different types of buttons on the gun controller housing to provide input functionality like that of a conventional computer mouse, such as a mouse wheel, left and right mouse buttons. This would thus provide a controller that is able to provide a wide array input functionalities.

**Claims 10 – 16, 27 – 31, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al (US 6,672,962) in view of “VR Gun System” as described by [www.vrimmersions.com](http://www.vrimmersions.com) as evidenced by “VR Gun System Specifications”**  
**<http://web.archive.org/web/20030623201323/http://vrimmersions.com/VRGunspec.htm> posted on June 23, 2003 in view of “Custom VR Systems”**  
**<http://web.archive.org/web/20030213062555/http://www.vrimmersions.com/systems.htm> (hereinafter “Systems.htm”) posted on Feb 13, 2003**

**Claims 10 – 14, 27, 28, 31, and 43:** Ozaki discloses the gun controller as discussed above. Ozaki discloses a directional controller adapted to input information regarding the latitude and longitude positions of the game player in the virtual game space (Ozaki 7:42- 49, 7:61 - 8:5). However Ozaki does not specifically discloses a coordination activation button that is adapted to selectively enable and disable input

information to the computer system. Ozaki does not specifically disclose that the buttons are used for running crouching, jumping and special actions. VRGunspec.htm discloses a gun controller that utilizes a plurality of different buttons that are used to emulated mouse input buttons as well as a plurality of other different functions. One such function may be to enable and disable the screen tracking of the gun controller by means of an on/off tracking button. VRGunspec.htm discloses that the many different buttons may be located along various surfaces of the gun controller such as the trigger, body of the gun which runs along the barrel of the gun and along the gun clip section were in the user may utilize this clip portion as a handgrip (VRGunspec.htm pages 1- 3). However Systems.htm discloses a gun controller that uses a plurality of different buttons that are used for actions such as running, crouching and jumping (Systems.htm page 3).

It would be obvious to one of ordinary skill in the art to modify Ozaki in view of VRGunspec.htm in view of "Systems.htm" to provide a gun controller wherein many different buttons perform various actions such as running crouching and jumping as well as enable/disable the screen tracking feature of the game. This would provide added versatility of the game controller thus enabling the player to perform common actions too many first person shooting games without necessitating that the player remove his hands from the gun to use a separate game controller such as a keyboard.

**Claim 14, 29:** Ozaki discloses the use a gun that incorporates a trigger as a shoot button (figures 1 – 3).



**Claim 15, 30:** Ozaki discloses that the gun controller may be modeled after a real gun or rifle wherein it is well known that rifles commonly have a shoulder stock that rests upon the shooters shoulder (Ozaki 12: 15 – 18). VRGunspec.htm discloses a gun with a shoulder stock that extends from the central body of the gun, which the user can use to steady the gun against his shoulder. However VRGunspec.htm does not disclose that the shoulder stock is removable. However it would be obvious to make the shoulder stock removable in order to model the gun after actual tactical weapons such as an MP5 machine gun that uses a removable stock.

**Claim 16, 31, and 44:** Ozaki discloses a display mounted on the gun controller device (Ozaki 8:23 - 32).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 - 45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSS A. WILLIAMS whose telephone number is (571)272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3714

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2/1/08

/Ronald Laneau/  
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05/22/08